

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**THOMAS KELLY, JR., *et al.*,  
Plaintiffs,**

**v.**

**CITY OF PHILADELPHIA,  
Defendant.**

---

:  
:  
:  
:  
:  
:  
:  
:

**CIVIL ACTION NO. 16-2963**

**ORDER**

**AND NOW**, this 10<sup>th</sup> day of January 2017, upon consideration of Defendant's Motion to Dismiss for Failure to State a Claim (Doc. No. 6), to which Plaintiffs have not responded, the Court hereby **ORDERS** that Defendant's Motion is **GRANTED** and Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE** for the reasons set forth in the accompanying memorandum opinion. The Clerk is **DIRECTED** to **CLOSE** this case.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

---

**CYNTHIA M. RUFE, J.**